

RESOLUTION NO. 75497

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FIRST AMENDMENT TO THE WHOLESALER-RETAILER AGREEMENT FOR THE SUPPLY OF RECYCLED WATER WITH SAN JOSE WATER COMPANY

WHEREAS, on July 8, 1997, the City of San José ("City") and San José Water Company ("SJWC") entered into an agreement entitled "Wholesaler - Retailer Agreement For Supply Of Recycled Water Between City Of San José And San José Water Company" under which the City delivers recycled water to SJWC ("Agreement"); and

WHEREAS, City and SJWC desire to amend the Agreement to permit SJWC to connect approximately 16 miles of recycled water pipeline to be built, owned, operated and maintained by SJWC in north and central San José, to the South Bay Water Recycling (SBWR) system; to permit SJWC to own, operate maintain and connect such other recycled water pipeline within SJWC's certificated service area as may be approved by City and SJWC in the future; and to allocate additional responsibility and liability to SJWC related to recycled water operations within SJWC's certificated service area; and

WHEREAS, the City desires to negotiate and execute the First Amendment to the Agreement for the above purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Manager is hereby authorized to negotiate and execute a First Amendment to the Wholesaler-Retailer Agreement for Supply of Recycled Water between the City of

San José and San José Water Company to: (1) permit SJWC to connect approximately 16 miles of recycled water pipeline, to be built, owned, operated and maintained by SJWC in north and central San José, to the South Bay Water Recycling System; (2) to permit SJWC to own, operate, maintain and connect certain other recycled water pipeline within SJWC's service area as may be approved by the City and SJWC in the future; and (3) to allocate additional responsibility and liability to SJWC related to recycled water operations within SJWC's service area.

ADOPTED this 22nd day of June, 2010, by the following vote:

AYES: CHIRCO, CHU, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CAMPOS, CONSTANT.

DISQUALIFIED: NONE.

ATTEST:



LEE PRICE, MMC
City Clerk



CHUCK REED
Mayor